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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRUCE and ANITA WEYENBERG,

11 Plaintiffs,

12 v.

13 PARSONS, BRINCKERHOFF, QUADE &
14 DOUGLAS, INC.,

15 Defendant.

CASE NO. C04-505C

ORDER

16 This matter comes before the Court on Defendant's Motion to Compel Settlement and for
17 Sanctions (Dkt. No. 11). The Court has considered the Defendant's motion and the remainder of the
18 record, and hereby finds and rules as follows.

19 Defendant moves the Court to compel Plaintiffs to abide by their contractual obligation to settle
20 the present litigation and dismiss this case, and to order Plaintiffs to pay sanctions. Plaintiffs failed to file
21 papers in opposition to Defendant's Motion to Compel Settlement. It is therefore uncontested that on
22 February 4, 2005, Mr. Weyenberg, through his counsel, accepted Defendant's last offer of settlement
23 made at mediation on December 14, 2005. It is further uncontested that on February 7, 2005, Plaintiffs'
24 counsel received Defendant's proposed Confidential Agreement and General Release of claims, and after
25 one minor change was agreed to by both parties, indicated that the agreement was acceptable to his

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1 clients.

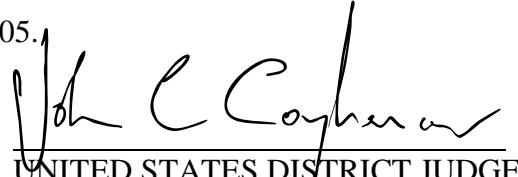
2 Moreover, the Court construes Plaintiffs' failure to respond as an admission that Defendant's
3 Motion has merit. *See Local Rule CR 7(b)(2) (W.D. Wash.)* (stating "if a party fails to file papers in
4 opposition to a motion, such failure may be considered by the court as an admission that the motion has
5 merit."). It is therefore ORDERED:

6 (1) Defendant's Motion to Compel is GRANTED in the part requesting the Court compel
7 settlement of this matter. Mr. Weyenberg is hereby ORDERED to:

8 (a) Deliver a signed and fully executed settlement agreement, together with a valid
9 waiver of his right of revocation to Parsons Brinkerhoff within ten (10) days of the
10 date of this Order; and
11 (b) File a voluntary stipulation of Dismissal with this Court within fourteen (14) days
12 of the date of this Order.

13 (2) Defendant's Motion to Compel is DENIED in the part requesting sanctions.

14 SO ORDERED this 17th day of May, 2005.



John C. Coughenour
UNITED STATES DISTRICT JUDGE